

**IN THE
SUPREME COURT OF INDIANA**

CASE NUMBER:

**ORDER AMENDING INDIANA RULES OF APPELLATE
PROCEDURE**

Under the authority vested in this Court to provide by rule for the procedure employed in all courts of this state and this Court's inherent authority to supervise the administration of all courts of this state, *Rules 7, 14, 16(F) and 41(B)* of the *Indiana Rules of Appellate Procedure* are amended to read as follows (deletions shown by ~~striking~~ and new text shown by underlining):

INDIANA RULES OF APPELLATE PROCEDURE

Rule 7. Review Of Sentences

A. Availability. A defendant in a Criminal Appeal may appeal the defendant's sentence. The State may not initiate an appeal of a sentence, but may cross-appeal where provided by law.

B. Scope of Review. The Court ~~shall not~~ may revise a sentence authorized by statute if, after due consideration of the trial court's decision, the Court finds that the sentence is inappropriate unless the sentence is manifestly unreasonable in light of the nature of the offense and the character of the offender.

Rule 14. Interlocutory Appeals.

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B. Discretionary Interlocutory Appeals. An appeal may be taken from other interlocutory orders if the trial court certifies its order and the Court of Appeals accepts jurisdiction over the appeal.

(1) Certification by the Trial Court. The trial court, in its discretion, upon motion by a party, may certify an interlocutory order to allow an immediate appeal.

(a) Time for Filing Motion. A motion requesting certification of an interlocutory order must be filed in the trial court within thirty (30) days of the date of the interlocutory order unless the trial court, for good cause, permits a belated motion. If the trial court grants a belated motion and certifies the appeal, the court shall make a finding that the certification is based on a showing of good cause, and shall set forth the basis for that finding.

(b) Content of the Motion in the Trial Court. A motion to the trial court shall contain the following:

- (i) An identification of the interlocutory order sought to be certified;
- (ii) A concise statement of the issues to be addressed in the interlocutory appeal; and
- (iii) The reasons why an interlocutory appeal should be permitted.

(c) Grounds for Granting Interlocutory Appeal. Grounds for granting an interlocutory appeal include:

- (i) The appellant will suffer substantial expense, damage or injury if the order is erroneous and the determination of the error is withheld until after judgment.
- (ii) The order involves a substantial question of law, the early determination of which will promote a more orderly disposition of the case.
- (iii) The remedy by appeal is otherwise inadequate.

(d) Response to Motion. Any response to a motion for the trial court to certify an interlocutory order shall be filed within fifteen (15) days after service of the motion, and computing time in accordance with Trial Rule 6.

(e) Ruling on Motion by the Trial Court. In the event the trial court fails for ~~forty-five (45)~~ thirty (30) days to set the motion for hearing, or fails to rule on ~~a the~~ the motion within thirty (30) days after it was heard or ~~forty-five (45)~~ thirty (30) days after it was filed, if no hearing is set, the ~~pending~~ requesting certification of an interlocutory order shall be deemed denied.

(2) Acceptance of the Interlocutory appeal by the Court of Appeals.

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Rule 16. Appearances

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F. Appearance on Transfer or Review. ~~Duplicate appearance forms need not be filed if a party is seeking transfer to the Supreme Court from the Court of Appeals or Review by the Supreme Court from a decision of the Tax Court. If an attorney has entered an appearance in a case before the Court of Appeals or the Tax Court, that attorney need not file another appearance in any continuation of that case before the Supreme Court. If an attorney has been granted leave to appear *pro hac vice* in a case before the Court of Appeals or the Tax Court, that attorney need not again seek leave to appear *pro hac vice* in any continuation of that case before the Supreme Court.~~

Rule 41. Motion To Appear As Amicus Curiae

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B. Time for Filing. The proposed *amicus curiae* shall file its motion to appear within the time allowed the party with whom the proposed *amicus curiae* is substantively aligned to file its brief or Petition. If an entity has been granted leave to appear as an *amicus curiae* in a case before the Court of Appeals or the Tax Court, that entity need not again seek leave to appear as an *amicus curiae* in any continuation of that case before the Supreme Court.

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This amendment shall take effect January 1, 2003.

The Clerk of this Court is directed to forward a copy of this Order to the clerk of each circuit court in the state of Indiana; Attorney General of Indiana; Legislative Services Agency and its Office of Code Revision; Administrator, Indiana Supreme Court; Administrator, Indiana Court of Appeals; Administrator, Indiana Tax Court; Public Defender of Indiana; Indiana Supreme Court Disciplinary Commission; Indiana Supreme Court Commission for Continuing Legal Education; Indiana Board of Law Examiners; Indiana Judicial Center; Division of State Court Administration; Indiana Judges and Lawyers Assistance Program; the libraries of all law schools in this state; the Michie Company; and the West Group.

The West Group is directed to publish this Order in the advance sheets of this Court.

The Clerks of the Circuit Courts are directed to bring this Order to the attention of all judges within their respective counties and to post this Order for examination by the Bar and general public

DONE at Indianapolis, Indiana, this _____ day of July, 2002.

Randall T. Shepard
Chief Justice of Indiana

All Justices concur.